

Message

From: Binford, Marshall [Binford.Marshall@epa.gov]
Sent: 9/27/2021 7:45:27 PM
To: Annicella, Alan [Annicella.Alan@epa.gov]
CC: Caplan, Robert W. [Caplan.Robert@epa.gov]; Beard, Phillip [Beard.Phillip@epa.gov]
Subject: FW: [EXTERNAL] Seal Shield
Attachments: ATT00001.txt; Medical Grade Google Search Results[1].xlsx; Medical Grade Definitions.docx; Relabeling of Assembled Inventory.docx; High Volume Pick-Lane.jpg; Bulk Storage racks and fleet.jpg

From: Andrew McCarthy <andrew@sealshield.com>
Sent: Friday, September 24, 2021 6:22 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>; Ed Schwartz <ess@mseslegal.com>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>; Beard, Phillip <Beard.Phillip@epa.gov>
Subject: Re: [EXTERNAL] Seal Shield

Marshall and Robert,

Thanks for the call at 4:00 today. The purpose of the call was the EPA's contention that "Medical Grade" connotes or has an association with pesticides or antimicrobial properties. I committed to get you two things:

- (1) Evidence that "Medical Grade" does not connote or have an association with pesticides or antimicrobial properties; and
- (2) A description of the logistical barriers that exist to removing the term "Medical Grade" from Seal Shield product packaging.

I have addressed both action items as set forth below.

A Google search for definitions for the term "Medical Grade" yielded 12 definitions, none of which suggested that "Medical Grade" means having antimicrobial or pesticidal properties. We did not exclude any definition we found; we could not find a single definition which suggested "Medical Grade" means having any sort of antimicrobial or pesticidal properties. In fact, our competitor Man & Machine, which I have previously advised:

- * had filed 16 complaints against us with EPA, leading to this action;
- * has been in litigation with Seal Shield twice;
- * has sought to have me disbarred in two states; and
- * submitted the FOIA request we discussed yesterday

(and so clearly this company is not aligned with Seal Shield) defines "Medical Grade Keyboards" on their website as being keyboards with ten qualities, one of which is a keyboard which "avoid[s] anti-microbial additives". The attached word document entitled "Medical Grade Definitions.doc" has the twelve definitions. It includes screen captures and the definition pulled from the Man & Machine website.

Additionally, we googled the term "Medical Grade" and looked at the first three pages of results. Each page has 8-9 results per page. We visited and read all 26 pages of results, and NONE of them: (1) pertained to an antimicrobial or pesticidal product; or (2) used any words related to antimicrobial or pesticidal qualities. The attached spreadsheet entitled "Medical Grade Google Search Results[1].xlsx" lists all 26 pages and provides links thereto.

From this, I think it's quite clear what Medical Grade means and how it's used.

Additionally, I wanted to give you the requested information on the logistical barriers that exist to removing the term "Medical Grade" from Seal Shield product packaging. I have attached a document "Relabeling of Assembled

Inventory.docx" describing those barriers. I've also attached pictures of inside the warehouse, so you can see how our inventory is mixed with that of many other companies. Finally, I've attached "Labeling and Packaging Procedure.pdf", which describes the process required to change our labeling and packaging, which process we are required to follow by a number of regulations. That document contains Confidential Business Information and has been prominently labeled as such with red lettering.

Please let me know if you have any questions, and have a great weekend.

Best,

Andrew McCarthy



Andrew McCarthy

President

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